

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT NOTICE OF MOTION NO. 1312 OF 1994

IN

SUIT NO. 642 OF 1989

Krishna Murari MathurPlffs.
vs.	
Moiz A.H. Pardiwala and Ors.Defnds.

Devarat Singh i/b. Thakore and Madgaonkar
for the plaintiffs.
Ashish Panicker i/b. M/s. Khaitan and Jayakar
for defendant no.1.

CORAM: S.U. KAMDAR, J.

DATE : 22ND AUGUST 2005.

P.C. :

1. The present notice of motion is taken out for convicting the defendants for contempt of court fee non-disclosure of the sale of office premises situated at 1003, Dalamal House, Nariman Point, Bombay. The said premises was

disposed off but the same was not disclosed in the affidavit in reply filed in the earlier Notice of Motion being Notice of Motion No. 853 of 1989. Consequently the Court Receiver was appointed as a Receiver in respect of the said flat. However on visit of the premises it was found that the premises had already been sold.

2. Learned counsel appearing for the defendants makes a statement that to show his bonafide that there is no deliberate attempt to commit contempt of the court he is willing to deposit in this court a sum of Rs.59.00 lacs within a period of 8 weeks from today. The amount so deposited will be invested by the Prothonotary and Senior Master for a period of three years and renew the same from time to time till further orders. He also tenders an affidavit submitting an unconditional apology.

3. In the light of the aforesaid position

I am of the opinion that an action in contempt is not necessary. It is made clear that at the time of renewal of the said fixed deposit the interest accrued thereon also will be reinvested in the said fixed deposit. The said fixed deposit will abide the final result of the suit. In the light of the aforesaid position I do not propose to take action in contempt and dismiss the motion for the same. No order as to costs.

sd/-
